



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Vacant, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, May 9, 2012

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Jim King, Ward 6*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20120414 Marietta Citizens' Police Academy**

Graduates from the Marietta Citizens' Police Academy are

Shani Brown	Gary McClinton
Debra Condon	Robert Meara
James Eaves	Tim Murphy
Eric Echols	John North
Claudia Falk	Alfred Onken
John Falk	Thomas Prosser
Margaret Ferraro	Thomas Prosser Jr.
Debra Gehrlich	Brent Purcell
Martina Goscha	Kathy Slough
Joe Goss	Mike Williams
Mike Henderson	Victoria Woodall
Michael Liedel	Claudia Worley

**20120464      18th Annual Georgia Lineman's Rodeo**

The 18th Annual Georgia Lineman's Rodeo was held May 4-5, this past weekend, in Albany, Georgia. Marietta Power participants and awards are as follows:

Marietta Power had two apprentices: Chris Poston and Jeremy Bassett. Their Coach was Allen (Opie) Matthews

Municipal Division

First Place in the "Neutral Clevis Change"

First Place in the "A3 Bell & Armor Rod Installation"

First Place in the "Hurtman Rescue"

The Journeyman Rodeo Team consisted of Rusty Cobb, Chad Tidwell and Adam Gurley. Coach was Bobby Watson

Municipal Division

Second Place in the "Hurtman Rescue"

Third Place in the "Ten ft. Wooden Cross-Arm Change"

Third Place in the "Five ft, Steel-Arm Change"

Third Place Overall for the Division

**20120447      Presentation of Flag of Honor - Marietta Woodmen of the World Insurance Society**

Mayor Steve Tumlin, Fire Chief Jackie Gibbs and Police Chief Dan Flynn receive a Flag of Honor for the Marietta Fire Museum from the Marietta branch of the Woodmen of the World Insurance Society. The Flag of Honor represents all of the individuals who perished on 9/11 and the stripes of the flag are made up of all of the names of the individuals who perished on that day.

**20120449      Recognition of 2012 Georgia Governor's Honors Program Students**

Mayor Tumlin recognizes the outstanding students from Marietta High School who will be participating in the 2012 Georgia Governor's Honors Program:

- \* Jessica Luegering - Junior at Marietta High School
- \* Jackson Mitchell - Sophomore at Marietta High School

**PROCLAMATIONS:**

**20120368      National Public Works Week**

Presentation of a Proclamation to Dan Conn, Public Works Director, proclaiming the week of 20-26, 2012 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**20120402      May-Historic Preservation Month**

Proclamation presented by Mayor Tumlin to Mr. David Freedman, Historic Preservation Commission proclaiming May 2012 as Historic Preservation Month.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

**MINUTES:****\*      20120404      Regular Meeting - April 11, 2012**

Review and approval of the April 11, 2012 regular meeting minutes.

*Council member Goldstein abstaining.*

**\*      20120405      Special Meeting - April 25, 2012**

Review and approval of the April 25, 2012 special meeting minutes.

**MAYOR'S APPOINTMENTS:****20120462      Marietta Housing Authority Appointment(s)**

Appointment(s) to the Marietta Housing Authority.

**CITY COUNCIL APPOINTMENTS:**

\*      **20120408      MEAG Power Annual Meeting**

Appointment of R. Steve Tumlin as voting delegate and Robert Lewis as the alternate voting delegate for the 2012 MEAG Power Annual Meeting to be held July 17, 2012 in Amelia Island, Florida.

\*      **20120409      Board of Zoning Appeals Appointment**

Reappointment of James A. Mills (Ward 3) to the Board of Zoning Appeals for a 3-year term, expiring May 10, 2015.

\*      **20120274      Marietta Museum of History Appointments**

Approval of a recommendation by the Museum of History Board to appoint William Paden and Davis McCollum for a term of three (3) years.

**ORDINANCES:**

**20120278      Z2012-02 Racetrac Petroleum, Inc. 1400 Powder Springs Road**

Z2012-02 [REZONING] RACETRAC PETROLEUM, INC. request rezoning for a portion of the property located in Land Lot 02600, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 1400 Powder Springs Road from R-2 (Single Family Residential 2 units/acre) to CRC (Community Retail Commercial). Ward 2.

*Council member Goldstein disclosed that he has used the attorney, Kevin Moore, in the past.*

*Planning Commission recommends approval*

*Vote: 6 – 0 – 0*

*Motion: Commissioner Kinney made a motion to recommend to City Council that the application be approved as submitted.*

*Stipulations:      Subject to the letter of stipulations from Kevin Moore to Mr. Russell Roth dated May 1, 2012.*

*Public Hearing (all parties are sworn in)*

**20120308      Z2012-03 Shahin Banaeian 212 Powers Ferry Road**

Z2012-03 [REZONING] SHAHIN BANAEIAN request rezoning for property located in Land Lot 12420, District 16, Parcel 0930, 2nd Section, Marietta, Cobb County, Georgia and being known as 212 Powers Ferry Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 7.

The following variances are incorporated as conditions of zoning. These variances shall be for the current developed property only, and shall be discontinued upon the redevelopment of the site (subject to Section 706 Nonconforming Uses):

1. Variance to reduce the required buffer from 40 ft. to 0 ft. [Sect. 708.16 (I)]
2. Variance to reduce the required two way driveway width from 20 ft. to 11.2 ft. [Sect. 716.08]

*Planning Commission recommends approval      Vote: 5 – 1 – 0 (Mr. Diffley Opposed)*

*Motion: Commissioner Kinney made a motion to recommend approval of the application to City Council as submitted, seconded by Commissioner Thompson.*

*Stipulations: N/A*

*PUBLIC HEARING (all parties are sworn in)*

**20120267      CA2012-02 [CODE AMENDMENT] Amending the Comprehensive Development Code regarding Section 714, Signs.**

Approval of an Ordinance [CA2012-02 - CODE AMENDMENT] amending the Comprehensive Development Code of the City of Marietta, Section 714, Signs.

*Planning Commission recommends for approval      Vote: 6 – 0 – 0*

*Motion: Commissioner Thompson made a motion to recommend approval of the proposed revision to the Sign Ordinance, seconded by Commissioner Carter.*

*Stipulations: N/A*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:**

**COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****2. Finance/Investment: Annette Lewis, Chairperson****3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\*      20120353      ARC LCI Grant Study Contract**

Motion to approve the Grant Contract for the Marietta University Enhancement District LCI Study.

**\*      20120415      ARC Grant Funding - Budget Amendment**

Approval of an Ordinance amending the Fiscal Year 2012 budget to appropriate grant funding from the Atlanta Regional Commission (ARC) with the local match from the City of Marietta, which will be split between Southern Polytechnic State University (SPSU), Life University and the City's Economic Development Department's current operating budget, to conduct a redevelopment study.

**\*      20120395      July 11th City Council Meetings**

Motion to change the time of the July 11th City Council meeting to 5:00 PM with the Pre-Agenda Meeting changed to 4:00 PM.

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson****\*      20120271      Pavilion Fees**

Motion to adopt a resolution that amends the fee chart of the City of Marietta to amend the fees for pavilion rentals at Laurel Park, add fees for pavilions at other parks, establish a pavilion rental deposit fee, and establish a resident discount rate.

\*      **20120359      Art in the Park Request**

Motion approving waiver of City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the annual Labor Day Weekend "Art in the Park" event sponsored by the Marietta Business Association with the stipulation that the applicant conduct the sale of beer in the intersection of N. Park Square/Lawrence St. and E. Park/Cherokee St.; and, approval of the temporary closures of E. Park Square between Roswell St and Lawrence St. at 6:00 on Friday, August 31st until 8:00 p.m. September 3rd; Cherokee St between Hansell St and Dodd St. with the exception of Sunday from 7:00 am - 1:00pm on the same dates; and, Atlanta Street between Roswell St and Anderson St. and Anderson St. between Atlanta St and Winters St. from Saturday, September 1st 7:00am - Monday, September 3rd 8:00pm.

\*      **20120363      Juneteenth Celebration**

Motion approving a request for city sponsorship of the Juneteenth Celebration Festival sponsored by the Cobb County Branch of the NAACP on Saturday, June 16, 2012. Conditions of the motion to include the following:

The Cobb County Branch of the NAACP will cooperate with the Parks, Recreation and Facilities Department and the manager of the Marietta Farmer's Market in establishing the set-up and use of North Park Square.

The Cobb County Branch of the NAACP are fully responsible for the trash cleanup and removal of all trash generated by the event from the confines of the Marietta Square and the Central Business District. Trash removal from these confines may be accomplished through private means, or the organizers may utilize a city trash truck and driver for the event at a rate of \$67.85 per hour. Cobb County Branch of the NAACP shall notify the Parks, Recreation and Facilities Department fourteen (14) days in advance if they intend to utilize the city sanitation vehicle.

If the Cobb County Branch of the NAACP fails to adequately clean the event area of trash and debris and remove said trash and debris from the Central Business District they will be billed for any city services required to accomplish the cleanup of the area.

\*      **20120398      Whitaker Park Trail Lighting**

Motion authorizing the installation of the trail lighting at Whitaker Park funded by proceeds from the 2009 Parks Bond - Improvements to Existing Parks Category.

**5. Personnel/Insurance:****6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson****\* 20120348 Cobb County Comprehensive Transportation Plan Update**

Motion approving an Inter-Governmental Agreement between the City of Marietta and Cobb County Board of Commissioners to participate in the 2030 Cobb County Comprehensive Transportation Plan update.

**\* 20120350 Requested Loading Zone**

Motion to create a "No Parking Loading Zone" on Anderson Street on the northwest corner of Anderson Street and Powder Springs Street.  
Council member Goldstein disclosed that this was requested by a tenant of his and he will abstain on this item.

*Council member Goldstein abstaining.*

**\* 20120351 Signalization at the intersection of Church Street Extension and Cobb EMC Parkway**

Approval of an Ordinance amending the Fiscal Year 2012 budget to appropriate payment from Cobb EMC for signal upgrades at Church Street Extension at EMC Parkway

**\* 20120370 Federally Funded Projects**

Approval of an Ordinance amending the Fiscal Year 2012 budget to appropriate funds for federally-funded Public Works projects.

*Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.*

*Council member Goldstein abstaining.*

**APPEARANCES:****OTHER BUSINESS:**

\*      **20120463      Property Acquisition - 373 N Marietta Parkway**

Motion to approve the purchase of property at 373 N Marietta Parkway from The Graham Family, L.P., a Georgia Limited Partnership, for the amount of \$100,000 using Park Bond Funds, Property Acquisition account.

\*      **20120425      Georgia Department of Transportation Nondiscrimination Agreement**

Motion approving a request by the Georgia Department of Transportation to file a Nondiscrimination Agreement.

**20120468      Municipal Electric Authority of Georgia (MEAG) Municipal Competitive Trust**

Resolution authorizing the Mayor/ BLW Board Chairman and City Manager to execute decisions made by the BLW Board of Directors and the Marietta City Council relating to deposits or withdrawals from any of Marietta's accounts established by the Municipal Competitive Trust.

**20120141      V2012-11 Roy W. Mertz 2265 Kingston Court**

V2012-11 [VARIANCE] ROY W. MERTZ request variance for property located in Land Lot 07260, District 17, Parcel 0010 and being known as 2265 Kingston Court. Variance to allow abandoned signs to remain. Ward 7.

*Council member Chalfant disclosed that he has employed the engineer, Wayne Proctor, at various times.*

*Council member Goldstein disclosed that he has used the engineer, Wayne Proctor, in the past; however, has no current business dealings with him.*

*This item was tabled at the March 7, 2012 and April 11, 2012 City Council Meetings.*

**20120142      V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South**

V2012-12 [VARIANCE] MICHAEL MCDONALD (PAVILION DEVELOPMENT) request variance for property located in Land Lot 08050, District 17, Parcel 0160 and being known as 2195 Cobb Parkway South. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.; Variance to waive the requirement that a general advertising sign be regulated as a principal use; Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign; Variance to reduce the side setback for a general advertising sign support structure from 15' to 11'; Variance to reduce the side setback for a general advertising sign face from 11.25' to 7'.; Variance to reduce the front setback for a general advertising sign face from 30' to 17'; Variance to allow a general advertising sign be located on a lot upon which a building and signage is located; Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. Ward 1.

*This item was tabled at the March 7, 2012 and April 11, 2012 City Council Meetings.*

**20120406      BLW Actions of the May 7, 2012**

Review and approval of the May 7, 2012 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:****ADJOURNMENT:**